

REMARKS

Claims 1-17 are currently pending in the application. Claims 18 and 19 have been cancelled, without prejudice, for being directed to a non-elected invention. Accordingly, no new matter has been added.

The Examiner contends that the application includes two distinct embodiments, as follows:

- I. Claims 1-17 drawn to a fiducial marker holder apparatus; and
- II. Claims 18 and 19 drawn to a method of performing image-guided surgery.

The Examiner has required an election of a single embodiment for prosecution on the merits.

Pursuant to 37 C.F.R. §§ 1.142-1.143, Applicants hereby elect Embodiment I directed to claims 1-17. The foregoing election is made without traverse.

However, Applicants also hereby reserve the right to pursue Embodiment II (claims 18 and 19) and the subject matter associated therewith in a divisional and/or continuation application(s), without prejudice.

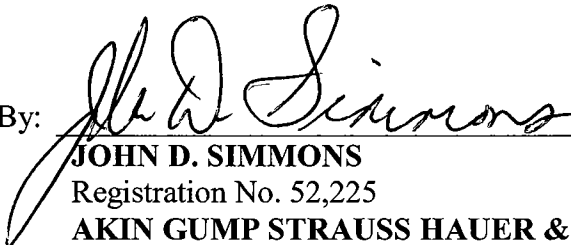
CONCLUSION

In view of the foregoing Response to Restriction Requirement and Remarks, Applicants respectfully submit that the present application, including claims 1-17, is in condition for substantive consideration and such action is respectfully requested.

Respectfully submitted,

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(Date)

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